

Serial No.: 10/707,510
Attorney Docket No.: F-775

Patent

REMARKS

1. Status of Claims

Claims 1-18 were pending in the Application. Applicants have amended claims 1, 16 and 17 and canceled claims 2 and 13 without prejudice or disclaimer. Applicants have added new claims 19-22. Applicants respectfully request entry of the above amendments and consideration of the enclosed remarks. Applicants submit that no new matter is added. Accordingly, claims 1, 3-12 and 14-22 will remain pending in the application.

2. Rejections under 35 USC § 112

In section 2 of the Office Action, the Examiner rejected claim 1 under 35 U.S.C. 112, second paragraph as allegedly indefinite. Applicants respectfully traverse since the original claim is sufficiently clear. However, solely in order to expedite prosecution, Applicants have amended claim 1 to include the limitation of claim 2. Applicants respectfully submit that the amended claims comply with 35 USC 112 and respectfully request that the Examiner withdraw the rejection.

3. Rejections under 35 USC § 101

In section 3 of the Office Action, the Examiner rejected claim 1 under 35 U.S.C. 101 as allegedly directed to non-statutory subject matter. Applicants respectfully traverse since the original claim comprises statutory subject matter. However, solely in order to expedite prosecution, Applicants have amended claim 1 to include the limitation of claim 2. Applicants respectfully submit that the amended claims comply with 35 USC 101 and respectfully request that the Examiner withdraw the rejection.

4. Rejections under 35 USC § 102(e)

In section 5 of the Office Action, the Examiner rejected claims 1-3 and 5 under 35 U.S.C. 102(e) as allegedly anticipated by U.S. Patent Application Publication No. 2004/0044586-A1 by Gullo, et al. ("Gullo '586").

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Applicants respectfully traverse the rejection. However, solely in order to expedite prosecution, Applicants have amended independent claim 1 to recite "monitoring the tracking identifier after processing the refund request in order to determine if the mail piece is used after a refund payment." Accordingly, the rejection is moot.

Furthermore, Applicants respectfully submit that Gullo '586 does not teach or suggest such monitoring after processing the refund. Applicants have canceled claim 2 without prejudice or disclaimer. Dependent claims 3 and 5 are patentable over Gullo '586 for at least the same reasons.

Therefore, Applicants respectfully submit that claims 1, 3 and 5 are patentable over the cited reference. Accordingly, Applicants respectfully request the Examiner withdraw the rejection to claims 1, 3 and 5.

5. Rejections under 35 USC § 103(a)

In section 7 of the Office Action, the Examiner rejected claims 4, 6, 13 and 14 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent Application Publication No. 2004/0044586-A1 by Gullo, et al. ("Gullo '586").

Applicants respectfully traverse the rejection. Initially, Applicants respectfully submit that the rejected dependent claims are patentable over the cited reference for at least the reasons described above with reference to the respective independent claim and any intervening claims.

Solely in order to expedite prosecution, Applicants have amended independent claim 1 to recite "monitoring the tracking identifier after processing the refund request in order to determine if the mail piece is used after a refund payment." Accordingly, the rejection is moot.

Furthermore, Applicants respectfully submit that Gullo '586 does not teach or suggest such monitoring after processing the refund.

With regard to claim 6, Gullo '586 not only fails to explicitly teach the claimed elements, but also fails to suggest or in any way imply performing another determination for a single refund event.

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Applicants have canceled claim 13 without prejudice or disclaimer. Therefore, Applicants respectfully submit that claims 4, 6 and 14 are patentable over the cited reference. Accordingly, Applicants respectfully request the Examiner withdraw the rejection to claims 4, 6 and 14.

In section 8 of the Office Action, the Examiner rejected claim 15 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent Application Publication No. 2004/0044586-A1 by Gullo, et al. ("Gullo '586") in view of Official Notice.

Applicants respectfully traverse the rejection. Initially, claim 15 is patentable over the cited references for at least the same reasons described above with regard to the respective independent and any intervening claims.

Applicants also respectfully submit that the Official Notice may not be clear and request clarification if more is taken by notice than the fact that multiple classes of service of mail delivery are available that may have different service targets regarding delivery. It is of course true that a mail piece sent by a generally slower class of service may be delivered sooner than a faster class of service, particularly if the routes are different. Accordingly, Applicants respectfully submit that the reference is not properly combined since it would not have been obvious to make the claimed improvement.

Therefore, Applicants respectfully submit that claim 15 is patentable over the cited reference. Accordingly, Applicants respectfully request the Examiner withdraw the rejection to claim 15.

In section 9 of the Office Action, the Examiner rejected claims 7-12 and 16-18 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent Application Publication No. 2004/0044586-A1 by Gullo, et al. ("Gullo '586") in view of U.S. Patent Application Publication No. 2003/0101148-A1 by Montgomery, et al. ("Montgomery '148").

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Applicants respectfully traverse the rejection. Initially, Applicants respectfully submit that the rejected dependent claims are patentable over the cited reference for at least the reasons described above with reference to the respective independent claim and any intervening claims.

Solely in order to expedite prosecution, Applicants have amended independent claim 1 to recite "monitoring the tracking identifier after processing the refund request in order to determine if the mail piece is used after a refund payment." Accordingly, the rejection is moot. Furthermore, Applicants respectfully submit that Gullo '586 does not teach or suggest such monitoring after processing the refund.

With regard to claims 7 and 10, Applicants respectfully submit that the cited references do not teach or suggest using a PIC code or a postal ID tag.

With regard to claim 11, Applicants respectfully submit that the cited references do not teach or suggest a refund request that includes a user selection from a list of mail pieces.

With regard to claim 12, Applicants respectfully submit that the cited references do not teach or suggest a refund request that is received from the user via a postage broker.

With regard to amended claims 16-17 and claim 18, Applicants respectfully submit that the cited references do not teach or suggest aggregating requests received from a plurality of users.

Therefore, Applicants respectfully submit that claims 7-12 and 16-18 are patentable over the cited reference. Accordingly, Applicants respectfully request the Examiner withdraw the rejection to claims 7-12 and 16-18.

Accordingly, Applicant respectfully submits that claims 1, 3-12 and 14-22 are in condition for allowance and respectfully request that the Examiner withdraw the rejections.

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6. New Claims

Applicants respectfully submit that new claims 19-22 are patentable over the cited references.

With regard to new independent claim 20, Applicants respectfully submit that the cited references do not teach or suggest at least:

the determination of whether the refund request is valid includes determining whether the tracking identifier has been observed in a mail stream and processing the refund request includes sending aggregated refund request data to a postage broker.

With regard to new independent claim 21, Applicants respectfully submit that the cited references do not teach or suggest at least:

receiving a refund request including a tracking identifier from a user system includes receiving a selection from the interactive listing;

...

processing the refund request further comprises crediting a postage account held with a postage provider.

7. Conclusion Of Remarks

For at least the reasons stated above, it is respectfully submitted that the claims of this application are in condition for allowance and early and favorable action thereon is requested.

If the Examiner believes that additional issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned attorney for Applicant at (203) 924-3180.

8. Authorization

No fee is believed due with this response. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the response or credit any overpayment to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-775.

In the event that an extension of time or additional extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition

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for that extension of time which is required to make this response timely. The Commissioner is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-775.

Respectfully submitted,



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